



February 24, 2006

ENGROSSED SENATE BILL No. 369

DIGEST OF SB 369 (Updated February 22, 2006 11:33 am - DI 52)

Citations Affected: IC 14-8; IC 14-25; noncode.

Synopsis: Drought planning. Creates a ten member water shortage task force to develop and implement an updated water shortage plan and to address other surface and ground water issues. Provides that appointments to the task force are made by the director of the department of natural resources ("DNR"), and requires DNR to staff the task force. Requires certain state agencies to designate a representative to advise the task force. Permits the director of DNR to invite representatives of other state and federal agencies to advise the task force

Effective: Upon passage; July 1, 2006.

Young R, Gard

(HOUSE SPONSORS — WOLKINS, DVORAK, THOMPSON)

January 11, 2006, read first time and referred to Committee on Energy and Environmental Affairs.

January 30, 2006, amended, reported favorably — Do Pass.

February 1, 2006, read second time, amended, ordered engrossed.

February 2, 2006, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Natural Resources.

February 23, 2006, amended, reported — Do Pass.

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February 24, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-279.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 279.5. "Task force", for purposes**
4 **of IC 14-25-14, has the meaning set forth in IC 14-25-14-1.**

5 SECTION 2. IC 14-25-14 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2006]:

Chapter 14. Water Shortage Task Force

8 **Sec. 1. As used in this chapter, "task force" refers to the water**
9 **shortage task force established by section 2 of this chapter.**

10 **Sec. 2. (a) The water shortage task force is established for the**
11 **following purposes:**

12 (1) **To implement the 1994 water shortage plan when**
13 **necessary.**

14 (2) **With the involvement of affected parties, to update,**
15 **expand, and revise the 1994 water shortage plan to include a**
16 **low flow and drought priority use schedule.**
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(3) To accomplish the following:

(A) Establish procedures to monitor, assess, and inform the public about the status of surface and ground water shortages for all uses in all watersheds, especially shortages due to drought.

(B) Recommend a state policy on desired baseline flow maintenance for in-stream uses.

(C) Recommend a state policy for promoting water conservation.

(D) Prepare a biennial report on the status of current surface and ground water withdrawals in all Indiana watersheds that:

(i) distinguishes between consumptive and nonconsumptive withdrawals; and

(ii) notes areas of current or likely water shortage challenges based on current usage trends and current knowledge of hydrology.

(E) Collect information concerning illustrative past and current surface water and ground water allocation conflicts in the state and how conflicts have been resolved.

(4) To encourage units of local government to:

(A) pass ordinances that:

(i) promote water conservation; and

(ii) establish priorities of water usage during droughts, including suggested model ordinances for counties and municipalities; and

(B) publicize the need for local communities to be prepared for droughts.

(5) To prepare an annual report on progress in implementing the tasks listed in subdivisions (3) and (4).

(b) The task force shall provide the reports required under subsection (a) to:

(1) the water resources study committee established by IC 2-5-25-1; and

(2) the legislative council, in an electronic format under IC 5-14-6.

Sec. 3. (a) The task force consists of ten (10) individuals, not more than five (5) of whom may be members of the same political party, representing the following interests, appointed by the director for four (4) year terms:

(1) Key water withdrawal users, including the following:

(A) Public water supply utilities.

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- 1 (B) Agriculture.
 2 (C) Steam electric generating utility companies.
 3 (D) Industrial users.
 4 (2) Academic experts in aquatic habitat and hydrology.
 5 (3) Municipalities.
 6 (4) Key stakeholders, including the following:
 7 (A) Environmentalists.
 8 (B) Consumer advocates.
 9 (C) Economic development advocates.
 10 (D) The public.
 11 (b) The director shall serve on and is chairperson of the task
 12 force. The department shall provide staff support for the task
 13 force.
 14 Sec. 4. (a) Each of the following state agencies shall designate a
 15 representative to advise the task force:
 16 (1) The department.
 17 (2) The department of environmental management.
 18 (3) The department of homeland security.
 19 (4) The department of agriculture.
 20 (5) The state department of health.
 21 (b) In addition to the representatives set forth in subsection (a),
 22 the director may invite representatives of other state and federal
 23 agencies as appropriate to advise the task force.
 24 Sec. 5. The affirmative votes of a majority of the voting
 25 members of the task force are required for the task force to take
 26 action on a measure.
 27 Sec. 6. At its first meeting, the task force shall establish:
 28 (1) a list of its activities; and
 29 (2) the time frame under which it will implement the tasks
 30 listed in section 2(a)(3) and 2(a)(4) of this chapter.
 31 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this
 32 SECTION, "task force" refers to the water shortage task force
 33 established by IC 14-25-14-2, as added by this act.
 34 (b) The director of the department of natural resources shall
 35 make appointments to the task force by July 1, 2006.
 36 (c) Notwithstanding IC 14-25-14-3(a), as added by this act, the
 37 initial terms of the members of the task force are as follows:
 38 (1) Fifty percent (50%) of the members for a term of two (2)
 39 years.
 40 (2) Fifty percent (50%) of the members for a term of four (4)
 41 years.
 42 The director of the department of natural resources shall designate

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1 whether a member is appointed to a term described in subdivision
2 (1) or a term described in subdivision (2).
3 (d) The initial term of a member of the task force begins July 1,
4 2006.
5 (e) The task force shall complete an initial revision of the 1994
6 water shortage plan that includes the elements set forth in
7 IC 14-25-14-2, as added by this act, before July 1, 2009, and
8 present the revised plan to the water resources study committee
9 established by IC 2-5-25-1 for review.
10 (f) This SECTION expires July 1, 2010.
11 SECTION 4. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Senate Bill 369.

YOUNG R

 COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, after "2." insert "(a)".

Page 2, line 3, after "surface" insert "**and ground**".

Page 2, line 6, delete "uses, including habitat, that" and insert "**uses.**".

Page 2, delete lines 7 through 9.

Page 2, line 11, delete "and establishing regulatory and capital" and insert ".".

Page 2, delete lines 12 through 17.

Page 2, line 26, delete "Describe" and insert "**Collect information concerning illustrative**".

Page 2, line 27, after "allocation conflicts" insert "**in the state**".

Page 2, delete lines 29 through 37, begin a new line block indented and insert:

"(4) To encourage units of local government to:

(A) pass ordinances that:

(i) promote water conservation; and

(ii) establish priorities of water usage during droughts, including suggested model ordinances for counties and municipalities; and

(B) publicize the need for local communities to be prepared for droughts.

(5) To prepare an annual report on progress in implementing the tasks listed in subdivisions (3) and (4).

(b) The task force shall provide the reports required under subsection (a) to:

(1) the water resources study committee established by IC 2-5-25-1; and

(2) the legislative council, in an electronic format under

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IC 5-14-6."

Page 2, line 38, delete "individuals" insert "**ten (10) individuals, not more than five (5) of whom may be members of the same political party,**".

Page 2, line 39, delete "governor" and insert "**director**".

Page 3, line 7, delete "Environmentalists speaking for habitat and other" and insert "**Environmentalists.**".

Page 3, delete line 8.

Page 3, line 13, delete "and the department of environmental".

Page 3, line 14, delete "management".

Page 3, line 15, delete "The governmental advisory panel to the task force is" and insert "**Each of the following state agencies shall designate a representative to advise the task force:**".

Page 3, delete lines 16 through 17.

Page 3, delete lines 22 through 23.

Page 3, line 24, delete "members" and insert "**representatives**".

Page 3, delete lines 25 through 42, begin a new line blocked left and insert "**director may invite representatives of other state and federal agencies as appropriate to advise the task force.**"

Sec. 5. The affirmative votes of a majority of the voting members of the task force are required for the task force to take action on a measure."

Page 4, delete lines 1 through 7.

Page 4, line 11, delete "governor" and insert "**director of the department of natural resources**".

Page 4, line 19, delete "governor" and insert "**director of the department of natural resources**".

and when so amended that said bill do pass.

(Reference is to SB 369 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 369 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new line block indented and insert:

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"(5) The state department of health."

(Reference is to SB 369 as printed January 30, 2006.)

MILLER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"Sec. 6. At its first meeting, the task force shall establish:

(1) a list of its activities; and

(2) the time frame under which it will implement the tasks listed in section 2(a)(3) and 2(a)(4) of this chapter."

and when so amended that said bill do pass.

(Reference is to SB 369 as reprinted February 2, 2006.)

HOFFMAN, Chair

Committee Vote: yeas 11, nays 0.

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